



Patent
Docket No. 246472003920

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Helmut D. LINK et al.

Serial No.: 10/731,432

Filing Date: December 10, 2003

For: INSTRUMENT SET FOR FITTING AN
INTERVERTEBRAL JOINT
PROSTHESIS

Examiner: Richard R. SHAFFER

Group Art Unit: 3733

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

The Documents Nos. 3, 4, 7, and 10, listed on the attached Form PTO/SB/08a/b were cited in the International Search Report mailed on June 23, 2005, directed to a counterpart international application and have not been previously cited. Applicants note to the Examiner that document Nos. WO 03/075774, US 2002/026191 and WO 01/62166, cited in the International Search Report were previously submitted in an Information Disclosure Statement on May 9, 2005, and May 19, 2005, respectively. A certification under 37 C.F.R. § 1.97(e)(1) follows;

This Information Disclosure Statement is submitted with the filing of a Request for Continued Examination under § 1.114. therefore no fee or separate requirements are required.

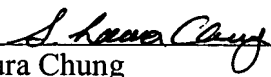
Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing (246472003920).

Dated: August 31, 2007

Respectfully submitted,

By 
S. Laura Chung
Registration No.: 59,875
MORRISON & FOERSTER LLP
1650 Tysons Blvd, Suite 400
McLean, Virginia 22102
(703) 760-7312



ALTERNATIVE TO PTO/SB/08A/B (04/07)

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/731,432
				Filing Date	December 10, 2003
				First Named Inventor	Helmut D. LINK
				Art Unit	3733
				Examiner Name	Richard R. SHAFFER
Sheet	1	of	1	Attorney Docket Number	246472003920

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1.	US-5,772,661	06-30-1998	Michelson	
	2.	US-6,277,122	08-21-2001	McGahan et al.	
	3.	US-2002/0058944-A1	05-16-2002	Michelson Gary K.	
	4.	US-2003/045938-A1	03-06-2003	Kohrs Douglas W et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	5.	EP-0333990-A2	09-27-1989	LINK WALDEMAR GMBH CO		
	6.	FR-2737656	02-14-1997	JBS SA		
	7.	WO-97/38635	10-23-1997	DISK WHISK, INC.		
	8.	DE-29916078-U	11-25-1999	AESULAP AG & CO KG	Abstract of corresponding WO01/19295	
	9.	WO-01/13807-A2	03-01-2001	SDGI HOLDINGS, INC.		
	10.	WO-2004/089258-A1	10-21-2004	CERVITECH, INC; LINK, HELMUT, D; KELLER, ARNOLD; MCAFEE, PAUL, C	English Translation of Abstract	

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	11.	International Search Report dated June 23, 2005 directed to counterpart PCT/EP2004/013346 (8 pages)	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

va-213974